

**IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF PENNSYLVANIA**

**JORGE L. CONCEPCION,**  
**Plaintiff,**

**v.**

**KYLE A. RUSSELL, *et al.*,**  
**Defendants.**

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**CIVL ACTION NO. 21-CV-1060**

**ORDER**

AND NOW, this 21<sup>st</sup> day of June, 2021, upon consideration of Plaintiff Jorge Concepcion's Amended Complaint (ECF No. 10) it is **ORDERED** that:

1. The Amended Complaint is **DISMISSED** for failure to state a claim, pursuant to 28 U.S.C. § 1915(e)(2)(B)(ii), for the reasons in the Court's Memorandum as follows:
  - a. Concepcion's claims for deliberate indifference to his serious medical needs are **DISMISSED WITHOUT PREJUDICE** to him proceeding in Civil Action Number 21-274; and
  - b. The balance of Concepcion's claims is **DISMISSED WITH PREJUDICE**.
2. The Clerk of Court shall **CLOSE** this case.

**BY THE COURT:**

/s/ **MICHAEL M. BAYLSON**

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**MICHAEL M. BAYLSON, J.**